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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,595	11/20/2003	Michael Farmwald	57941.000062	7213

7590 02/21/2006
Thomas E. Anderson
Hunton & Williams LLP
1900 K Street, N.W.
Washington, DC 20006-1109

EXAMINER

NGUYEN, TAN

ART UNIT PAPER NUMBER

2827

DATE MAILED: 02/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

Election/Restrictions

1. The Information Disclosure Statements submitted by Applicants on April 26, 2005 and January 13, 2006 have been received.
2. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 151-162, drawn to a memory device having a clock receiver, a register and a plurality of input receivers to sample operation codes synchronously with an external clock signal, classified in class 365, subclass 233.
 - II. Claims 163-177, drawn to a memory device and method of operating the memory device wherein the memory device having a clock receiver, a clock generation circuit includes a delay circuit and a comparison circuit, and block size value, classified in class 365, subclass 194.
3. The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct if they do not overlap in scope and are not obvious variants, and if it is shown that at least one subcombination is separately usable. In the instant case, subcombination I has separate utility such as the value stored in the register would be used as the access speed value to control how fast or how the slow the read/write operations are performed, while the subcombination II would use the clock generation circuit to generate an internal clock signal from an

external clock signal and the internal clock signal would be delayed by variable delays.

See MPEP § 806.05(d).

4. Because these inventions are independent or distinct for the reasons given above and have acquired a separate status in the art in view of their different classification, restriction for examination purposes as indicated is proper.

5. A telephone call was made to Mr. Thomas Anderson on February 15, 2006 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

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6. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tan T. Nguyen whose telephone number is (571) 272-1789. The examiner can normally be reached on Monday to Friday from 07:00 AM to 03:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amir Zarabian, can be reached at (571) 272-1852. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Tan T. Nguyen
Primary Examiner
Art Unit 2827
February 15, 2006